Congress of the United States
U.S. House of Representatives

November 2, 2022

Mr. Tristan Brown
Deputy Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Deputy Administrator Brown:

Congress regularly reauthorizes federal pipeline safety programs to respond to current industry conditions, prepare for the future, and address long-standing issues. In December 2020, Congress continued this practice by passing the bipartisan Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020. We write to support the efforts of the Pipeline and Hazardous Materials Safety Administration (PHMSA) to focus on implementing the new pipeline safety mandates and outstanding requirements from previous reauthorizations, and to encourage you to continue this work.

The bipartisan PIPES Act of 2020 calls on the agency to make important updates to federal pipeline safety provisions. For example, section 112 of the bill directs PHMSA to finalize a decade-old rulemaking to regulate gas gathering pipelines. Section 113 requires a final rule directing gathering, transmission, and distribution pipeline operators to conduct leak detection and repair programs that meet minimum performance standards and identify and repair or replace leaky pipes. Section 114 requires leak detection and repair programs be reflected in operators' inspection and maintenance plans and calls for a report on the best available technologies or practices for preventing or minimizing natural gas releases. Section 120 calls for the quick completion of the 2016 congressional mandate to protect certain waters as unusually sensitive areas. And Title II of the bill makes critical improvements for the safe operation of distribution pipelines.

Congress put some of these mandates in place in response to recent, preventable pipeline explosions. Title II is a direct response to the devastating over-pressurization event that caused a series of explosions in Merrimack Valley, Massachusetts in 2018 that killed a young man and injured 22 others, and damaged 131 structures including five destroyed homes. Section 112 seeks standards for gathering lines to improve their safety and help prevent explosion events like the one in Midland, Texas in 2018 that killed a young child and destroyed a home.

Moreover, the bill also recognized the need to mitigate and prevent the release of methane, a potent greenhouse gas, by identifying and fixing leaking pipes using readily available advanced pipeline leak detection technologies. New studies only continue to confirm this need. A new study published last month demonstrates that methane emissions from natural gas gathering lines in the Permian Basin

are at least 14 times greater than national inventory estimates, further emphasizing the need to promulgate the regulations required by section 113.[1]

As such, we encourage your agency to focus its resources on these important and bipartisan mandates that prioritize public safety and the environment. Advancing these mandates creates jobs for the men and women who maintain, repair, replace, monitor, and operate pipelines; improves the lives of those who live, work, and travel near the pipelines made safer by these mandates; and safeguards the environment as we work to address the climate crisis.

We recognize that under your leadership, PHMSA has worked to advance pipeline safety by issuing three final rules that fulfill outstanding mandates that Congress enacted more than a decade ago as part of the PIPES Act of 2011. These include a final rule that brings more than 425,000 miles of gas gathering lines under federal protection by applying federal safety standards to tens of thousands of miles of previously unregulated gas gathering lines and collecting data from 425,000 miles of such lines. PHMSA also now requires some natural gas and hazardous liquid pipeline operators to install remote-control or automatic shut-off valves on certain pipelines, and recently updated safety standards for more than 300,000 miles of onshore gas transmission lines. Sensitive waters will also be better protected by PHMSA's interim final rule on an outstanding mandate from the PIPES Act of 2016 that clarifies which waters are considered unusually sensitive areas and subject to additional protective measures. While work remains to continue strengthening these new standards to better safeguard the public and environment, we applaud your agency and its dedicated workforce for these achievements.

Unfortunately, the oil and gas industry has invoked legal action or sought reconsideration on the rules regulating gas gathering lines, unusually sensitive areas, remote-control or automatic shut-off valves, and gas transmission lines, which delays the implementation of these safety standards and stymies the progress of your agency. The constant threat of litigation has long loomed over PHMSA, due in large part to a duplicative and onerous cost-benefit provision added to the agency's statute in 1996. This provision has contributed to the agency's slow pace of advancing major safety rules, exacerbated by the industry's lawsuits and appeals that drain agency resources that otherwise could advance rulemakings. This is particularly challenging for an agency that historically has been understaffed, often having to compete with the industry to hire and retain personnel with appropriate expertise. While the PIPES Act of 2020 specifically amended the cost-benefit language to provide you with enhanced flexibility to consider safety and environmental benefits over costs and provided greater agency resources and direction to help fill staffing gaps, the threat of industry litigation remains.

Still, under your leadership, PHMSA has made progress to advance mandates from the PIPES Act of 2020; completed several decade-old congressional mandates; considered industry petitions seeking relief from regulations, such as class location requirements; participated in or led investigations into several serious pipeline ruptures and explosions; taken action to hold pipeline

[1] Methane Emissions from Natural Gas Gathering Pipelines in the Permian Basin, Jevan Yu, Benjamin Hmiel, David R. Lyon, Jack Warren, Daniel H. Cusworth, Riley M. Duren, Yuanlei Chen, Erin C. Murphy, and Adam R. Brandt, Environmental Science & Technology Letters, American Chemistry Society, Published October 5, 2022, https://pubs.acs.org/doi/10.1021/acs.estlett.2c00380.

operators accountable for violating federal safety standards; and implemented a $1 billion competitive grant program created by the bipartisan Infrastructure Investment and Jobs Act to help repair, rehabilitate, and replace faulty publicly-owned distribution pipes. We applaud you and your staff for this progress.

However, despite this progress, more must be done. Recently, Colonial Pipeline acknowledged that its 2020 leak in North Carolina, which persisted for 18 days before discovery, released 30 times its original estimated amount of leaked gasoline (a total of two million gallons leaked, roughly 25 percent of which remains onsite today), making it the largest release of gasoline from a U.S. pipeline. In the span of a few weeks, several other pipeline failures have occurred, such as the release of 45,000 gallons of diesel in Wyoming, 201,000 gallons of crude oil in Tennessee, 42,000 gallons of crude oil in Oklahoma, and 25 million cubic feet of methane in Colorado.

Additionally, the experience of Satartia, Mississippi residents who suffered from asphyxiation and disorientation following exposure to carbon dioxide (CO2) released from a ruptured pipeline in 2020 magnifies the need to establish standards for all CO2 pipelines to protect public health and the environment. This includes establishing standards for design and construction, operations and maintenance, testing, reporting, public education, and emergency responder training and preparation. Such standards should ensure the safe transport of CO2 in all phases, ensure proper identification of potential impact areas, and set maximum levels for contaminant impurities. Your agency's announced plan to update standards for CO2 pipelines is welcome news, particularly at a time when a major build out of infrastructure to transport CO2 may be on the horizon.

These events demonstrate the important role your agency has in protecting the public and the environment by promulgating strong rules that prevent and mitigate pipeline failures and require prompt remedial action when they occur. As such, we encourage you to continue your important work, including by focusing on the PIPES Act of 2020 provisions highlighted above.

Sincerely,

Peter A. DeFazio
Chair
Committee on Transportation and Infrastructure

Frank Pallone, Jr.
Chair
Committee on Energy and Commerce

Donald M. Payne, Jr.
Chair
Subcommittee on Railroads,
Pipelines, and Hazardous Materials

Bobby L. Rush
Chair
Subcommittee on Energy